

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 6, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7.00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Venis (left at 12:43 a.m.), Vice-Mayor Paul, Councilmember Clark, Councilmember Starkey, and Councilmember Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING (7:01 p.m. - 7:29 p.m.)

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Charles Patterson, 10550 State Road 84, spoke in opposition to the rezoning of the area outside the entrance gate to Park City West. He felt that allowing commercial buildings in this area would create additional traffic problems and would create an unsafe situation for the members of this community. Mr. Patterson asked Council to consider that the residents of this community were in the process of buying the development.

Councilmember Starkey advised that the Town was in the process of conducting a traffic study in this area and she asked Mr. Patterson to call her so that she could report the findings of the study.

Fernando DiBella, 4321 SW 61 Avenue, recommended that the 61st Avenue Park be named after Betty Roberts, the Town's first elected mayor. Mayor Venis directed Town Clerk Muniz to add this to an upcoming Council agenda.

Joan Bryant, representing Canine Companions for Independence, spoke of her organization and presented a dog in training. She thanked Council for granting them the use of the Bergeron Rodeo Arena in past years for the Paws for Applause event, and hoped they would again grant them the use of the arena for this year's program.

Jason Curtis, 3801 Flamingo Road, spoke of an abundance of used cars for sale along Flamingo Road. He asked if there was an ordinance that forbid this and if the Town could address this concern

Mr. Curtis also spoke of the bill being discussed by the Florida State Senate which decreased sales tax from 6% to 4.5%, but added a tax to services. He opposed this decrease and asked Council to oppose it as well.

Mayor Venis advised that Police Chief George was addressing the used car issue.

Arthur Joseph, 13700 SW 18 Court, spoke of past Charter Review Board meetings and the need to rotate Town auditors every five years. He referred to the language, which stated "shall" rather than "will," and felt that latter was not in effect. Mr. Joseph urged Council to rotate the Town's accountant every five years, especially in light of the recent events with the Enron Corporation's demise.

Mr. Joseph praised Councilmember Truex's work on Council and felt that Council's displeasure with Town Administrator Willi was a disservice to Mr. Willi and to the residents of the Town. He opposed using cameras on employees.

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Mr. Joseph also agreed that the 61st Avenue Park should be named after Ms. Roberts as she had done good things for the Town.

Mr. Joseph referred to a fence permit he had submitted and was concerned that he was not contacted in a timely manner regarding problems with the plans. He thanked Vice-Mayor Paul for resolving this issue.

Buford Myer, 1700 SW 81 Avenue, was concerned that 911 did not respond in a timely manner to an emergency incident in his community. He felt that dispatching was not well versed on the geography of the Town. Mr. Myer supplied maps of his community and asked that they be forwarded to emergency units.

Stan Schachne, 10101 SW 40 Street, was concerned with the GL Homes development on Nob Hill Road and displayed photographs, which showed how the developer had reconfigured the canal. He indicated that an error had been made by overfilling the canal and advised that he had contacted Mike Crowley from Central Broward Water District who contacted the developer and advised of the error. Mr. Schachne urged Council to support the reparation of the canal.

Mr. Schachne indicated that GL Homes had not pulled a permit for trailers and felt there was a more suitable location for them considering the size of their property. He asked that this also be resolved with GL Homes. Development Services Director Mark Kutney explained that GL Homes needed a temporary use permit and Code Compliance Supervisor Daniel Stallone was addressing this issue. Vice-Mayor Paul asked that the canal issue be addressed. Councilmember Starkey stated that the canal was supposed to be wider and the Central Broward Water District was working on this.

Norm Blanco, 2080 SW 72 Avenue, spoke about the intersection of University Drive and Nova Drive and his attempts with Broward County to readjust the lights so that traffic could move more smoothly. He thanked Mr. Willi and Mr. Kutney for helping to resolve a problem in his community.

John Pisula stated that all senators from Broward County, with the exception of Debbie Sanderson, supported the new sales tax change. He urged all residents and Council to oppose this change. Mr. Pisula also urged more people to participate in Broward Days in the future.

Mr. Pisula thanked Council and Mr. Willi for their support and assistance with "Take Stock in Children."

4. PRESENTATIONS (7:29 p.m. - 9:11 p.m.)

4.1. David Lange, 9-11 Relief Fund Donation

Mayor Venis presented Mr. Lange with a certificate of appreciation for his participation in the September 11th Relief Fund.

4.2. Randy Rheaume, Community Service Project

Councilmember Clark presented a certificate of achievement to Mr. Rheaume for his participation in a Community Service project, which provided a privacy fence for needy residents.

4.3. Lori Nance-Parrish, Broward County Commissioner

Commissioner Parrish stated that she would follow up on Mr. Blanco's concern with the intersection of University Drive and Nova Drive.

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Commissioner Parrish referred to the proposed bridge at Nob Hill Road and conversation with Rick Chesser of the Florida Department of Transportation (FDOT). She explained that this decision would be up to Council, Davie residents, and Cooper City residents.

Commissioner Parrish spoke of the Metropolitan Planning Organization (MPO) meeting where the enhancements to I-75 were discussed and the interchanges at SW 14 Street, SW 26 Street, and SW 36 Street had been opposed by Vice-Mayor Paul and herself. Commissioner Parrish described the positions taken by neighboring communities who were opposed to the MPO's plan and spoke of several meetings that took place thereafter where compromises were proposed. She referred to the MPO's resolution that erroneously left out a section that pertained to on-ramps at SW 14 Street. She displayed a large chart, which outlined several I-75 alternatives and discussed various bridge proposals and their effect on Davie, Southwest Ranches, and Weston. Commissioner Parrish outlined various scenarios and summarized objections to some of these alternatives as the municipalities felt the traffic would negatively impact their communities. She spoke of the County's attempts to gain consensus amongst the agencies and affected municipalities for I-75 alternatives, which derived the on-ramp at SW 14 Street. The consensus was to have on-ramps only for SW 14 Street and I-75 and the City of Sunrise agreed to have an off-ramp north of SW 14 Street. Commissioner Parrish acknowledged that Davie and Southwest Ranches opposed this idea and Weston and Sunrise wanted full interchanges at SW 14 Street. She stated that on February 5th, the Broward County Commission voted unanimously to reconsider their resolution and deferred it to the upcoming meeting because it had to be either amended or withdrawn from their agenda, as it did not include the interchange in Sunrise.

Commissioner Parrish explained that the reason she supported this compromise was because the communities that support it, bear the brunt of it.

Mayor Venis advised that the City of Sunrise wanted a full interchange because they had promised the business community access to I-75. He stated that the Town was against the on-only ramp at SW 14 Street because it would bring additional traffic to the area. Vice-Mayor Paul felt that there would be traffic impact on both SW 14 Street and SW 148 Avenue. Commissioner Parrish stated the traffic impact on SW 14 Street would be to Davie residents.

Vice-Mayor Paul read a question from Gail Ling who asked if traffic lights would be included at the SW 14 Street ramp. Ms. Ling was concerned that the rural atmosphere of Davie, especially the equestrian community, would be adversely affected in this area because the road would have to be widened. Commissioner Parrish explained that SW 14 Street was not on the trafficways plan so the road could not be widened. She also stated that the greenway trail program would be on the south side of SW 14 Street so equestrians would still have safe access. Commissioner Parrish also clarified that the four-lane bridge from Orange Drive to Griffin Road would be separate from the equestrian bridges, which would be somewhere between SW 130 Avenue and SW 136 Avenue and SW 136 Avenue and SW 142 Avenue, adding that these bridges could not align with any through streets.

Mayor Venis invited residents to speak on this issue.

Lynn Watson, resident of Highland Ranch Estates, explained that the reason there was not enough land to build the entrance ramps was because the proposed location was on her property. She delivered a petition to Vice-Mayor Paul, signed by over 100 residents of her community, asking that the MPO stick with their original agreement to stand by the Town and

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support its open space. Ms. Watson felt that creating access ramps in this area was contradictory to residential development. She was also concerned with the increased noise level and asked that sound barriers be included in the expansion of I-75.

Commissioner Parrish clarified that SW 14 Street and Shotgun Road would not change and she pointed out how the traffic would flow. She explained that FDOT's position on sound barriers was that if the road was there prior to the development, they would not put up a sound barrier, even if the road was modified after the development was established.

Bob Hila, Highland Ranch Estates, asked for clarification of the on-ramp traffic flow. Commissioner Parrish referred to the map and showed the traffic flow, reiterating that the City of Sunrise would bear the brunt of the traffic and the Town would not be affected.

Pj Grant, Oak Hill, stated that representatives from FDOT, who attended charettes, had stated that it was "too close between SW 14 Street and 595/I-75 area to do something in both areas." She asked for clarification. Commissioner Parrish explained that it was not that it could not be done, but it was too expensive. She stated that FDOT did not take this into consideration when it initially planned the roadway.

Mike Bender, 14800 SW 31 Court, spoke of Weston's wants and reiterated Mayor Hirsch's comments about not wanting Davie residents cutting through Weston. Mr. Bender felt there were more Weston residents traveling on the Town's roads than vice versa and wondered why Weston had more "clout" than the Town when the size of Davie was much larger. He felt that the I-75 alternatives were a band-aid approach because its initial planning did not compensate for future growth.

Arthur Joseph, spoke of the proposed development of low to moderate-income apartments for approximately 700 families on Weston Road and Griffin Road. He felt the Weston Road, Griffin Road, and I-75 interchange was going to be bogged down unless major plans were made. Mr. Joseph was in favor of the entrance ramp from South Post Road and suggested building US 27 into a major highway. He agreed with Mr. Bender that I-75 was meeting its maximum capacity. Commissioner Parrish opposed building up US 27 because of the negative impact it would have on the Everglades.

Kerry Waldee, 13450 SW 40 Street, stated there were petitions circulating his neighborhood in opposition to ramps at South Post Road, SW 14 Street, and Stirling Road. Mr. Waldee was concerned that the bridge crossing from Orange Drive to Griffin Road, west of Flamingo Road, was very dark and could be hazardous. He requested that streetlights be installed.

Mr. Waldee asked that Orange Drive be removed from the trafficways plan. Commissioner Parrish stated that it had been promised that if Griffin Road became a six-lane road, Orange Drive would remain rural. There was discussion regarding taking Orange Drive off the trafficways plan and it was explained that some portions were on the plan and others were not. Vice-Mayor Paul stated that this could be addressed on a future agenda.

An unidentified woman (Kim Fernandez) asked for clarification of the on-ramps which Commissioner Parrish provided.

Ms. Watson was concerned with Mayor Hersch's comments which Commissioner Parrish advised were taken out of context.

Commissioner Parrish questioned if lantern lights would be acceptable with John Canada, Southwest Ranches Town Manager, responded would be acceptable.

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Mr. Canada cited Southwest Ranches' objections to some of the I-75 alternatives and asked that Council support the compromise derived by the County.

Joy Yoder, 12610 SW 13 Manor, was opposed to the on-ramps as she did not see how they would not negatively affect the Town. She stated that Plantation and Sunrise residents would have no need to pass through Davie because they would have an entrance ramp on the north side of SW 14 Street. Ms. Yoder felt that Davie residents would not benefit from this plan. Commissioner Parrish explained that if this compromise was not supported, the next step would be to fight a full-blown interchange which would have an even larger negative impact if the battle was lost.

Vicki Bodstrom, Highland Ranches, suggested that an engineer draft the plans and present them to Council before voting so the proposal would be clearer. Mayor Venis asked Scott Seeburger from FDOT to have an engineer draft this plan. Mr. Seeburger advised that if funding was available and the community was supportive, this proposal was a possibility.

Mayor Venis asked if the Town was against the on-ramp, would FDOT add an interchange instead. Commissioner Parrish stated that FDOT proposed, and the cities of Weston and Sunrise endorsed, a full-blown interchange at SW 14 Street and I-75. Mr. Seeburger stated that FDOT never proposed this. Commissioner Parrish stated that FDOT added this to MPO's agenda which Mr. Seeburger disagreed with.

Mayor Venis wanted to know what the repercussions would be if this compromise was not supported. He asked that an engineer's rendering be presented by FDOT at the next meeting of Council.

Marcello Moreno, Highland Lakes Estates, stated that the noise that would be created from this alternative would be unbearable. Also, a significant structure would need to be built to accommodate this plan. There was discussion regarding various engineering plans that would have the least impact. It was the general consensus that clearer plans should be presented prior to Council's voting on the issue.

Greg Carroll, SW 145 Avenue, spoke of the history of Shotgun Road. He described the various traffic flows in the area and felt that I-75 was poorly planned. He was in favor of exit and entrance ramps on SW 14 Street, rather than cutting through Weston.

Commissioner Parrish gave an update on Vista View Park and how the property owner had to document the soil conditions prior to the County buying this site. Councilmember Starkey asked if Mr. Zimmerman agreed to make improvements. Commissioner Parrish stated that the County did not want him to make improvements because it would cost additional money for the County.

Mr. Canada advised that he would be at the February 21st Council meeting. He also stated that Southwest Ranches would not support the bridge across the canal from Orange Drive to Griffin Road if the Town did not support this compromise.

Mayor Venis added item 4.4.

4.4 Wayne Arnold presented Jason Curtis with an award from the Greater Hollywood Jaycee's for being recognized as the "Outstanding Young Farmer." Mr. Curtis thanked Mayor Venis and Mr. Arnold and spoke of his recent pursuit of agricultural interests in the Town and the State of Florida.

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13.3 Mayor Venis requested that the February 20th meeting be rescheduled to February 21st.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to reschedule. In a voice vote, all voted in favor. (Motion carried 5-0)

13.4 Mayor Venis requested that the March 20th meeting be rescheduled to March 19th.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to reschedule. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that items 8.3, 8.12 and 10.4 needed to be tabled until February 21, 2002.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (9:11 p.m. - 9:18 p.m.)

DAVIE ELEMENTARY SCHOOL SHELTER. Mayor Venis advised that this project was scheduled to begin in March and should be completed in June. The Town would be bidding for the School Board of Broward County for the shelter.

TRAFFIC CONCERNS NEAR DAVIE ELEMENTARY SCHOOL. Mayor Venis stated that Police Chief John George was addressing this issue and a meeting was being scheduled to address proposals for alternatives to alleviate traffic in this area.

PIANO. Mayor Venis indicated that the piano was purchased for the multi-purpose facility. He thanked Bill Laystrom for contributing \$500 and Southern Homes for contributing the balance. A dedication for the piano was scheduled for February 22nd and the 84 Diner was supplying food for the event.

FLIGHT PATTERNS OVER FOREST RIDGE. Mayor Venis advised that he had written to Congressman Peter Deutsch and requested that this issue be investigated. Apparently, airplanes were dumping fuel on this area.

SW 58th AVENUE MITIGATION SITE. Mayor Venis reported that the plans were completed and a meeting was scheduled with the developer. He stated that he would report to Council regarding the developer's position. Mayor Venis thanked staff for their hard work on this project.

SW 23rd STREET DRAINAGE PROJECT. Mayor Venis advised that he had attended a meeting and the residents were happy with the results.

PARK CITY WEST. Mayor Venis stated that he had received many complaint forms directed to the Department of Professional Regulations regarding the sale by the owner to an outside party. He explained that the residents had a right of refusal and he was writing a letter to the Department of Professional Regulations on behalf of the community.

INSURANCE. Mayor Venis stated that a workshop needed to be scheduled prior to the next Council meeting, for insurance companies to present their proposals.

RICK CASE HONDA. Mayor Venis asked that the road by Rick Case Honda be added to the next agenda.

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COUNCILMEMBER CLARK (9:18 p.m. - 9:20 p.m.)

POTTER PARK GYMANSIUM. Councilmember Clark congratulated the Town, the Potter Park community, and the Police Athletic League, for the groundbreaking for the gymnasium. She was looking forward to a July completion.

JUSTIN DEVEAUGH. Councilmember Clark spoke of the tree dedication for Mr. Deveaugh at the Bergeron Rodeo Arena and said it was a wonderful and meaningful event.

COUNCILMEMBER TRUEX (9:20 p.m. - 9:37 p.m.)

NAMING OF 61 AVENUE PARK. Councilmember Truex felt it would be fitting to name this park after Mrs. Roberts and asked that this be placed on the next agenda.

BROWARD DAYS. Councilmember Truex stated that education was a big issue.

AGRICULTURAL EXEMPTION. Councilmember Truex indicated that there was some support from the Senators regarding this issue and the concern was how it might apply in other counties because they had different issues. Councilmember Truex felt this was something that needed to be pursued.

CITRUS CANKER. Councilmember Truex stated that the Commissioner of Agriculture spoke regarding Citrus Canker. Councilmember Truex was concerned that the Town did not have a clear objective on this matter. He felt that this issue should be revisited and recommended inviting the Department of Agriculture to present their position.

Vice-Mayor Paul stated that the Department of Agriculture had not been straightforward in the past and did not answer specific questions. She felt that having them make a presentation might not make a difference because of this. Councilmember Truex felt it would not hurt to get more information.

Mr. Kiar stated that the position of the County and the Coalition of Cities was against the eradication of canker-infected trees. He explained that the radius was arbitrary and the Coalition had provided scientific evidence that refuted the position of the Department of Agriculture.

Mayor Venis stated that if Council agreed, a representative from the Department of Agriculture could be invited to make a presentation at a Council meeting in March. Vice-Mayor Paul requested that an attorney from the Coalition of Cities also be invited so there would be a balanced report.

COUNCILMEMBER STARKEY (9:37 p.m. - 9:49 p.m.)

BROWARD DAYS. Councilmember Starkey spoke of House Bill 382, which related to school concurrency issues, and House Bill 813, the Everglades Restoration Bill. With this Everglades Restoration Bill, water management districts were responsible for keeping canals and culverts clean. She added that the bill also addressed flooding concerns. Councilmember Starkey spoke of the Community Redevelopment Agency Bill, stating that it was controversial because it disallowed the expansion of Community Redevelopment Agencies, which was not something that the Town wanted. It was hoped that this Bill was deferred so that a compromise could be made.

Councilmember Starkey advised that she met with Education Commissioner Grist regarding changing the FCAT dates because the test fell on the same day as elections.

AIRPORT EXPANSION. Councilmember Starkey stated that Congressman Deutsch's study had been completed and the Federal Aviation Administration was going to be issuing a

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supplemental environmental impact statement within the next two weeks. Councilmember Starkey felt it was imperative that the Town respond to this statement.

RELAY FOR LIFE. Councilmember Starkey stated this was scheduled for March 1st and 2nd and those interested could call the American Cancer Society or Town Hall for further information.

BREAST CANCER LICENSE PLATE. Councilmember Starkey indicated that proceeds from the license plate would go directly to breast cancer research.

Mayor Venis stated that his concern was not with the expansion of the airport, but with the fact that fuel was being dumped on the Davie community. Councilmember Starkey stated that this was part of the supplemental statement coming from the Federal Aviation Administration. Mayor Venis clarified that these were separate issues. Mr. Willi stated that he would get a copy of the report and report back to Council.

NOB HILL ROAD. Councilmember Starkey was concerned that staff was undermining the process and not following through with Council directives.

VICE-MAYOR PAUL (9:49 p.m. - 10:01 p.m.)

SW 14 STREET AND SW 130 AVENUE. Vice-Mayor Paul recommended that a three-way stop be installed at this intersection as it was very dangerous. She felt that this would also help with safety in the school zone.

ORANGE PARK. Vice-Mayor Paul stated that residents in this community were wondering why the park on SW 7th Street was named Orange Park as it was in a different community than Orange Park. She requested information as to how this park was named.

ROBBINS LODGE CARETAKER. Vice-Mayor Paul asked when a caretaker would be hired. Public Works/Capital Projects Director Bruce Bernard stated that a caretaker was on site.

BUMPER STICKERS. Vice-Mayor Paul thanked Special Projects Director Bonnie Stafiej for expediting the creation of new bumper stickers for the Town.

EVERGLADES APPALOOSA CLUB. Vice-Mayor Paul advised that this club was sponsoring a horse show at the Bergeron Rodeo Arena on February 16th.

SENIOR CRUISE. Vice-Mayor Paul advised that she had accompanied the seniors on a SeaEscape cruise.

WOMEN OF VISION. Vice-Mayor Paul advised that Edith Lederburg, from the Area Agency on Aging, was honored by the Weizman Institute. Vice-Mayor Paul also reported that she had accepted an award for the Town for their continued support of the Area Agency on Aging.

PIONEER DINNER. Vice-Mayor Paul indicated that she had attended the dinner at the Old Davie School and reported that a house-raising was scheduled for February 9th.

DMIA. Vice-Mayor Paul announced that she was scheduled to speak at the DMIA meeting on February 19th.

COUNCIL MEETING RESCHEDULING. Vice-Mayor Paul explained that the February and March Council meetings were rescheduled so that Councilmembers could attend the Broward County School Board meetings where the issue of school boundaries was going to be discussed. She indicated that support for Western High School and funding would be discussed.

BROWARD DAYS. Vice-Mayor Paul advised that she had spoken with Transportation Secretary Barry regarding sound walls along I-75 and the Town's opposition to ramps on South

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Post Road and SW 14 Street. Vice-Mayor Paul was concerned with the alternatives for the ramps.

6. TOWN ADMINISTRATOR'S COMMENTS (10:01 p.m. - 10:09 p.m.)

DAVIE UPDATE. Mr. Willi thanked Council for their timely submissions.

UNITED RANCHES. Mr. Willi asked Council to reconsider increasing their support for legal fees for the United Ranches annexation from \$5,000 to \$10,000. He explained that Cooper City had offered \$5,000 and he felt raising it to \$10,000 would cause United Ranches to reject Cooper City's offer. There was also discussion regarding the prevailing city reimbursing the other city for legal fees. Councilmember Truex asked if United Ranches would need \$10,000 and Mr. Willi felt they would.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to increase the legal fees to \$10,000. In a voice vote, all voted in favor. (Motion carried 5-0)

ANNEXATION COMMITTEE MEETING. Mr. Willi advised that he had met with representatives from Pine Island Ridge and Cooper City and he would keep Council informed.

CHIEF DON DiPETRILLO. Chief DiPetrillo had been named a member of Broward County's EMS Task Force.

SILVER OAKS TRAILER PARK. Mr. Willi met with the manager of Palma Nova (aka Silver Oaks). He stated that management had made a commitment to refurbish the park and increase security.

GRANTS. Mr. Willi stated that a number of grant applications were being prepared.

PARKS AND RECREATION. Mr. Willi stated that the Parks and Recreation staff was scheduling a meeting to plan the amenities for Falcon Lea Park.

Councilmember Truex requested that written reports from the Town's lobbyist, Mitch Ceasar, be forwarded to Council. Councilmember Starkey reminded that this was part of the agreement with Mr. Ceasar and asked that Mr. Ceasar be reminded to attend School Board meetings.

7. TOWN ATTORNEY'S COMMENTS (10:09 p.m. - 10:12 p.m.)

I-75 EAST/GRIFFIN-ORANGE NORTH. Mr. Kiar advised that Judge Cocalis had reached a decision and Mr. Burke expected to receive an order in the near future. Mr. Kiar stated that the information would be forwarded to Council as soon as it was received.

SIDEWALK. Mr. Kiar discussed the proposed sidewalk in front of a homeowner's property. He stated that a compromise was proposed and he was hopeful that litigation was not necessary.

Vice-Mayor Paul advised that Mayor Venis had requested that the Public Hearing portion of the meeting be heard before the Consent Agenda.

9.2 Town Clerk Muniz read the ordinance by title. Vice-Mayor Paul advised that a public hearing on the ordinance would be held at the February 21, 2002 meeting.

Vice-Mayor Paul opened the public hearing portion of the meeting.

Dawn Sonneborn, representing the petitioner, deferred to staff for the report.

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Councilmember Truex asked why these issues were not addressed at the Site Plan Committee when the plat was approved. Ms. Sonneborn stated that she had not been involved in either one. She explained that this was a cleanup item for road canals and utilities that were no longer in use.

Councilmember Truex asked Director of Development Services Mark Kutney why this was brought before Council after the site plan was approved. Mr. Kutney explained that the site plan did not match the plat and it had been changed. He stated that there was no impact with the change.

Mayor Venis closed the public hearing.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex, yes. (Motion carried 5-0)

10.1 Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex, yes. (Motion carried 5-0)

10.2 Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Paul stated that she was opposed to co-location.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex, yes. (Motion carried 4-1)

10.3 Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Neil Kalis, representing Young at Art, asked Council to approve this item and thanked Council for their consideration of this item.

Councilmember Truex felt that this project was not the same as it was originally proposed two years ago. He spoke of the funding history of the property and the indefinite funding commitment on the part of Young at Art. Councilmember Truex felt that this project would bind the Town to donate \$2.5 million in matching funds and thought that this amount of money could be better utilized by the Town for projects such as a firehouse or the upgrading of the northeast section of Davie. Mr. Kalis advised that the petitioner would be willing to withdraw this request at this time because the grant process deadline was soon approaching and there were concerns regarding funding and feasibility.

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Mayor Venis asked if the property was definitely going to be closed on. Mr. Kalis indicated that Young at Art had put a down payment on this property and the County had set aside \$1.3 million for the purchase of this site. He clarified that his client was not expecting, nor had they ever expected, the Town to contribute \$2.5 million.

Mr. Kalis suggested the Town deed the property to Young at Art and allow them to sell the property and leave the Town out of the process. Councilmember Truex asked if this could be considered.

Vice-Mayor Paul indicated that she did not want to abandon this project and made suggestions that might alleviate the financial burden of matching the grant. The suggestions included utilizing the tax revenues the Town would lose as a result of the rezoning or utilizing the cost of the Town's construction management of the project as an in-kind contribution. She also suggested utilizing the site as a Charter School in partnership with the Town and integrating the arts and humanities into every core subject area, which was something the Town was strongly considering anyway.

Mr. Kalis felt that these suggestions had merit, but was not sure if they fit into the considerations of those making the decision. Vice-Mayor Paul felt that the grant application should be analyzed to see if it was still possible for this project to proceed even though the Town did not have the necessary funding. Mr. Kalis stated that there were contractual issues with the purchase of the property that had to be addressed immediately. He clarified that the property would be purchased whether or not the grant was applied for and received. He reiterated that his client was not under the assumption that the Town was committed to the \$2.5 million in funding.

Mayor Venis asked if the petitioner would be marketing the property for the Town because the surrounding neighbors were very concerned about what would be placed on this property. Councilmember Starkey felt that this project would be a good fit for the land and suggested it be created in phases. She suggested that if it was not developed for Young at Art, it revert back to R-3 zoning. Mr. Kalis could not commit to this because the County would own the property.

Councilmember Clark felt it was important to remember Young at Art's commitment to the community.

Councilmember Truex asked what the status was of the \$4.4 million from the County. Mr. Kalis stated the funding was committed. Bill Laystrom indicated that \$2.3 million had been set aside by the County for the construction of the library, \$1.3 million had been set aside for the purchase of the property, and approximately \$500,000 was set aside for the design.

Councilmember Truex asked why the Town should be responsible for getting clear title, selling, and marketing the project. Mr. Laystrom explained that the property was originally designated by the Town for the library. He further explained the history of this site and this project. Councilmember Truex felt it was not unreasonable to ask the applicant to refine their figures and readdress Council at a future meeting.

Mayor Venis asked if it would help if the Town contributed \$550,000 for a match to the grant. John Voight, Young at Art Chair, explained that the grant required a minimum of \$2 million. Councilmember Truex asked where the \$300,000 was coming from. Acting Budget and Finance Director Carol Menke replied that it was coming from the Community Endowment Special Revenue Fund and explained how the additional funding would be reimbursed once the

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property was sold. Mr. Willi stated that the Town had received a written offer for purchase of the property in excess of the \$300,000.

Mayor Venis closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex, yes. (Motion carried 5-0)

8.17 Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - no. (Motion carried 3-2)

Vice-Mayor Paul questioned if the previous discussion addressed item 13.2. Mayor Venis replied in the affirmative.

10.5 Mayor Venis swore in the witnesses. Mr. Kutney read the planning report.

Dennis Mele, representing the petitioner, stated that Town's Code did not have provisions for stores the size of Home Depot where signage was concerned. He described the site and signage and offered drawings.

Councilmember Truex asked Mr. Kutney what the difference was with the fourth sign on the east elevation. Mr. Kutney explained that the sign was competing with the proposed monument sign. Mr. Mele stated that the petitioner eliminated the word "the" to comply with concerns about the large size of the sign.

Vice-Mayor Paul disclosed that she had spoken with Mr. Mele and she was in attendance at the Planning and Zoning Board meeting where this item was discussed.

Mayor Venis asked if anyone wished to speak for or against the item. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex, yes. (Motion carried 5-0)

10.6 Mayor Venis swore in the witnesses. Mr. Kutney summarized the variance request.

Councilmember Truex asked what removal of guest facilities meant. Mr. Kutney explained that if the variance was not approved, the applicant would have to remove the improvements, including the kitchen facilities.

Bill Laystrom, representing the petitioner, explained that the petitioner was prepared to enter into the deed restriction as recommended by the Planning and Zoning Board and asked that the deed restriction be rent limited. He felt that buffering would help with shielding the guest facility from the surrounding community. Mr. Laystrom entered several photographs of the property labeled as Exhibit A. Mr. Laystrom explained that the guest facility was also designed to match the main house and entered a petition from the residents supporting the variance request into the record as Exhibit B.

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Councilmember Clark asked who built the structure. Mr. Laystrom indicated that Mr. Jonitis had built the structure. Councilmember Clark asked why Mr. Jonitis built this structure without a permit if he was a builder and was aware of the laws regarding building permits. Mr. Laystrom stated there were other similar facilities in the area that were built without permits.

Mark Jonitis, the petitioner, indicated that he had a permit for the structure, but not for the conversion to a guest facility. He explained that the original facility was a game room/garage and he made the renovation for his mother.

Mayor Venis asked if anyone wished to speak for or against the item.

David Mankuta, representing the petitioner's neighbor Betty Collonane, indicated that there were fundamental flaws with this request because it blatantly defied the Town's Code. He stated that this structure did not qualify as a guesthouse because it was being used as a primary residence for the petitioner's relatives. Mr. Mankuta stated that staff and Council were misled and the only reason the petitioner was applying for the variance was because he got caught and added that the hardship was created by the petitioner. He felt that the variance could not be justified and stated that Council must deny this variance request according to the Town's Code, the South Florida Building Code, and other precedents.

Helen Lacey Warner, 2801 SW 145 Avenue, felt that Mr. Jonitis' actions were a result of deception, not ignorance, since he was a licensed general contractor. She felt that the laws and ordinances of the Town needed to be adhered to.

Ronell Jonitis, the petitioner, stated that the opposition to her request was a personal vendetta and explained that her neighbor also had a similar structure. She admitted that they broke the law, but there was a need for this structure for her family's safety. Ms. Jonitis stated that her neighbors were not opposed to this structure.

Jean Carroll, Oak Hill, stated that there were many homes in this neighborhood that had mother-in-law quarters. She felt that the Town should relax the laws concerning guest facilities.

Mayor Venis closed the public hearing.

Mr. Laystrom felt that this structure did not adversely affect open space, clarifying that the building had previously been approved and cited for other similar variances that had been approved. He added that the petitioner had a hardship and felt the ordinance needed to be revisited. Mr. Laystrom urged Council to approve this variance request.

Vice-Mayor Paul disclosed that she was at the Planning and Zoning Board meeting when this matter was addressed and had spoken with Mrs. Warner, Mrs. Collonane, Mr. Laystrom, Curtis Sherrod, Mike Bender, and all members of the petitioner's family.

Councilmember Clark disclosed that she had spoken with Mrs. Collonane. Mayor Venis disclosed that he had spoken with Mrs. Collonane and had received e-mails from residents. He also spoke with Mr. Laystrom, visited the site, and spoke with the entire Jonitis family. Vice-Mayor Paul and Mayor Venis disclosed that they had received e-mails from Debbie Apolinario. Councilmember Starkey disclosed that she had spoken with Mr. Mankuta and Kelly, and had received e-mails from Debbie Apolinario.

Mayor Venis spoke of past experiences with similar variance requests and how Council was not opposed to guest quarters, but was concerned that these facilities would be used as rental property. He stated that a former Council had directed staff not to change the ordinance, but to deal with this issue on a case-by-case basis. Mayor Venis cited various situations where this type of variance was either approved or denied, depending on the situation. He had no

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objection to having guest facilities for family members on one-acre plus properties. Mayor Venis realized that this variance did not qualify under the present Code, but reiterated that this situation should be considered on a case-by-case basis.

Vice-Mayor Paul felt the facility was contrary to the Code and verified that there were homes in this area that had guesthouses but were grandfathered in. She also felt that the Code should be readdressed, but there should be provisions that disallowed rental property. Vice-Mayor Paul felt that a possible remedy would be to build a breezeway to the main house, thereby making this an addition to the main house as opposed to second home.

Councilmember Truex felt that the petitioner did not meet the Code's criteria. He felt the question was whether Council should approve the variance because they were sympathetic to the petitioner's hardship.

Mayor Venis asked Mr. Kutney if the breezeway would alleviate the problem. Mr. Kutney explained that the issue would change because there would no longer be a separate building. Mayor Venis asked Mr. Laystrom if his client would be willing to build a breezeway. Mr. Laystrom replied affirmatively. Councilmember Truex felt that a breezeway would not meet the intent of the Code and the structure would be considered a duplex.

Councilmember Starkey was opposed to the request because this property was less than an acre and she felt this issue was a blatant disregard of the Code. She felt that the Code needed to be adhered to.

Councilmember Truex made a motion, seconded by Councilmember Clark, to deny. In a roll call vote, the vote was as follows. Mayor Venis - no; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Vice-Mayor Paul recommended that the petitioner present the variance with the breezeway. Mr. Kiar read Land Development Code Section 12-503 pertaining to breezeways and felt that there might be a legal question regarding the breezeway.

Mayor Venis advised that item 11 would be taken out of order. He also advised that he would be leaving the meeting after this item because of illness.

11.1 Vice-Mayor Paul deferred her appointment.

11.2 Mayor Venis and Councilmembers Clark and Truex deferred their appointments.

11.3 Mayor Venis appointed James Aucamp, Sr., and Mike Crowley

11.4 Councilmember Truex reappointed Janet Nielsen and deferred his second appointment. Councilmember Starkey and Mayor Venis deferred their appointments.

11.5 Mayor Venis reappointed Julie Aiken. Vice-Mayor Paul reappointed Hilda Testa. Councilmember Clark reappointed Delia Alonso. Councilmember Starkey reappointed Barbara Spiece. She explained that the second Tuesday of the month was a conflict for Ms. Spiece and requested that this Board reconsider its meeting dates.

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11.6 Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to ratify. In a voice vote, all voted in favor. (Motion carried 5-0)

8. CONSENT AGENDA (12: 43 p.m. - 1:17 p.m.)

Minutes

8.1. December 11, 2001 - Workshop Meeting

Parade Permit

8.2. Nova Southeastern University/American Heartwalk, 3301 College Avenue
(February 23, 2002)

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Resolutions

- 8.3. **STAFF REQUESTING A TABLING TO FEBRUARY 20, 2002**
INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA HEALTHCARE TO PROVIDE FULLY-INSURED GROUP MEDICAL BENEFITS INCLUDING A HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN AND A POINT OF SERVICE (POS) PLAN, AND AN EMPLOYEE ASSISTANCE PROGRAM (EAP); SELECTING COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY (STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND CONTRACTS FOR SAID BENEFIT PLANS. (tabled from January 16, 2002)
- 8.4. **ACQUISITION SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-23 FLORIDA, SUPPORTING ATTEMPTS BY THE DEPARTMENT OF THE INTERIOR TO ACQUIRE THE MINERAL RIGHTS OF THE BIG CYPRESS NATIONAL PRESERVE THEREBY AVERTING OIL EXPLORATION.
- 8.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2002-24 BID FOR RECREATION TRAIL OVERLAY. (Weekley Asphalt Paving Co., Inc. - \$26,000)
- 8.6. **EMS COALITION** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
R-2002-25 OF DAVIE, FLORIDA, SUPPORTING THE GROUP CITY EMERGENCY MEDICAL SERVICE COALITION OF BROWARD COUNTY, FLORIDA, INC.'S EFFORTS TO SUPPORT THE ESTABLISHMENT OF A BROWARD COUNTY TASK FORCE, BASED UPON REPRESENTATIVE POPULATION, TO STUDY THE DEVELOPMENT OF AN INTERLOCAL AGREEMENT FOR FIRE RESCUE, PROVIDED THAT THE AGREEMENT BE FAIR AND REPRESENTATIVE OF BROWARD COUNTY AND INCLUDES THE PARAMETERS OF THE FOUR (4) PRIORITY AREAS ARTICULATED BY THE GROUP CITIES COALITION IN THEIR REPORT OF DECEMBER 2001; PROVIDING FOR AN EFFECTIVE DATE.
- 8.7. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-26 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 3 TO THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES FOR GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET BUDGET. (First Vehicle Service - \$801,690)

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- 8.8. **RESTRICTIVE NOTE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 12-2-01, 4300 Weston Road)
- R-2002-27
- 8.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND IRVING COOPER AND DORIS BLASS PROVIDING FOR REMEDIAL MEASURES TO SATISFY ROAD CONCURRENCY REQUIREMENTS RELATED TO THE GLENN'S AUTOMOTIVE CENTER PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 12-1-01, 2685 Reese Road)
- R-2002-28
- 8.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO A TRI-PARTY AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND MARY WOLF, AMY HECKER AND SUSAN WOLF, SUSAN CORYELL AND CAROL WOLF MOOMAW; PROVIDING FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE ON THE MEEKS FARMS PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 1-2-02, Wolf Family Plat, 7611 South University Drive)
- R-2002-29
- 8.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO A TRI-PARTY AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND ELISE MEEKS, WILLIAM MEEKS, AND KATHLEEN LENHARDT; PROVIDING FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE ON THE MEEKS FARMS PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 1-3-02, 5700 South University Drive)
- R-2002-30
- 8.12. **I-75 ALTERNATIVES ANALYSIS** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA SUPPORTING FURTHER ANALYSIS OF THE SHORT-TERM IMPROVEMENT ALTERNATIVES FOR I-75 PROPOSED BY BROWARD COUNTY.

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- 8.13. **ZONING IN PROGRESS** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-31 FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.
- 8.14. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2002-32 AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CITIZEN RESPONSE MANAGEMENT SOFTWARE FROM BLUE FROG SOLUTIONS. (Blue Frog Solutions - not to exceed \$20,000)
- 8.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-33 AUTHORIZING THE EXECUTION OF A TENANT LEASE AGREEMENT FOR CONTINUATION OF THE RESIDENTIAL SECURITY PROGRAM AT WOLF LAKE PARK. (\$900)
- 8.16. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-34 AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS FOR ADDITIONAL SPEED ENFORCEMENT EQUIPMENT AND ADDITIONAL TRAFFIC HOMICIDE EQUIPMENT. (\$34,275)
- 8.17. **DISBURSEMENT OF FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE
R-2002-22 FLORIDA AUTHORIZING THE DISBURSEMENT OF FUNDS AND THE ISSUANCE OF AN ADVANCE FOR THE YOUNG AT ART PROJECT. (\$550,000)

Site Plans

- 8.18. SP 9-3-01, Hidden Cove, 5805 Davie Road (RM-10) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report and to include the requirement that the backyards of the westernmost units, after the 15 feet, the balance of the property would be in the Homeowner's Association contract (as common areas)*
- 8.19. MSP 10-1-01, Paradise Promenade, north side of Stirling Road between SW 61 Avenue and SW 58 Avenue (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report subject to adding some trees or palms with a clear trunk height to be*

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determined with staff and to be located in front of the building on the main entrance to Publix; and to revise the landscape plan for the 61st Avenue roadway change

Temporary Use Permit

8.20. TU 11-1-01, Antique Automobile Club of America, 1986 South University Drive

Vice-Mayor Paul requested that items 8.1, 8.5, 8.8, and 8.13 be removed from the Consent Agenda. Councilmember Truex requested that items 8.15, 8.16 and 8.19 be removed.

Councilmember Clark made a motion, seconded by Councilmember Truex, to remove items 8.1, 8.5, 8.8, 8.13, 8.15, 8.16, and 8.19 from the Consent Agenda. In a voice vote, with Mayor Venis absent, all voted in favor. (Motion carried 4-0)

8.1 Vice-Mayor Paul felt that the minutes from this workshop were sparse and asked that they be redone with more information.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to table until February 21, 2002 so that more information could be included. In a voice vote, with Mayor Venis absent, all voted in favor. (Motion carried 4-0)

8.5 Vice-Mayor Paul wanted to know if the trails would remain the same size as they were prior to the overlay. Mr. Bernard replied affirmatively.

Councilmember Clark made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Mayor Venis absent, all voted in favor. (Motion carried 4-0)

8.8 Mr. Laystrom stated there was a scrivener's error in the staff report. He asked that Council amend the resolution to state that the plat was decreasing from 137,000 square feet down to 121,518 square feet of light industrial use.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve with the amendment. In a voice vote, with Mayor Venis absent, all voted in favor. (Motion carried 4-0)

8.13 Vice-Mayor Paul asked if the 20 acres on the west side could be changed without readvertising. She explained that 20 acres was recommended by Mr. Kutney and there were incidents where builders seemed to request to purchase just under the limit so that they would not fall under the zoning in progress criteria.

Vice-Mayor Paul advised that there was an incident where developers removed protected trees from a 10-acre site in the Oak Hill area and she wanted to add this area as a case-by-case basis.

Mr. Kutney stated that there was discussion regarding adding fines to the ordinance for those who did not adhere and the proceeds could go to mitigation. He reminded that the Master Plan guidelines applied for 10-acre and above sites. Mr. Kutney reported concerns that Andrew Maurodis had regarding consistency, the timeline of the zoning in progress and the question of whether 20-acre sites should be allowed to be sold in smaller parcels.

Councilmember Truex suggested that the eastern and western area explorations run concurrently so they could both be completed by July 3rd. He also wanted to add language that the zoning in progress would not preclude land use amendments. Councilmember Truex also recommended that language be included, stating that the zoning in progress would apply to 20-

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acre parcels that were under common ownership or control on or after the date the zoning in progress took affect. Councilmember Truex asked the purpose for the one house per acre rule. Mr. Kutney explained that it was more difficult to consider mitigation and conservation in higher density developments. Vice-Mayor Paul clarified that lot size was not specified on the east side because lots were smaller and the 20-acres applied only to the western section of Town.

Councilmember Starkey stated that she did not want to upset the integrity of the zoning in progress and she did stand behind it, especially on the west side. She felt there was a lot more to consider for the east side, but not at the expense of jeopardizing rights of property owners who wanted to develop. Councilmember Starkey was concerned with expanding the zoning in progress beyond what Council originally identified. Vice-Mayor Paul reminded that the entire Town voted for this and representatives from the east side wanted to be included in the process.

Councilmember Clark agreed that the timeline for both the east and west sides should be concurrent. She did not feel that including the east side would challenge the integrity of the ordinance or the purpose. Councilmember Clark felt that it was important to consider the entire Town, rather than only concerns for the west side. She reiterated that if this was not done now, there might not be opportunity in the future. Mr. Kutney indicated that Mr. Maurodis agreed that the timeline for the east and west sides of Town should be concurrent.

Vice-Mayor Paul asked if anyone wished to speak on this issue.

Bill Laystrom, representing several developers, was concerned that this issue would not be completed by July 3rd which was a year later than when this was to have been completed. He advised that his clients wanted to move ahead with their plans.

Mr. Kiar stated that Mr. Maurodis would be presenting a formal ordinance that would go to the Planning and Zoning Board and then to Council.

Dennis Mele, representing various clients, urged Council to complete this ordinance as quickly as possible.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve subject to the additional conditions that the expiration of both zonings in progress run concurrently and expire July 3, 2002; that applications for land use changes were specifically not affected by this zoning in progress, and that it applied to parcels that were under common ownership or control on or after today. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

8.15 Councilmember Truex referred to the right to bear arms. He recommended that paragraph 6C be changed to read "there would be no unlawful display nor unlawful use of firearms while on Town property" and delete the last sentence. He explained that the most common use of firearms was for lawful self-defense.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve subject to the change in that section that would only prohibit unlawful display or unlawful use of firearms. In a voice vote, with Mayor Venis absent, all voted in favor. (Motion carried 4-0)

8.16 Councilmember Truex stated that he would vote against this because at least \$27,000 of it seemed to be a no-bid that was not from a single source.

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Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Mayor Venis being absent and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-1)

8.19 Councilmember Truex asked the petitioner to agree on record to the agreements made with the homeowner's association.

Mr. Mele, representing the petitioner, explained that drainage concerns of the 12 homes that backed up to the site would be remedied when the grading was done. He entered a sketch which showed the proposed improvements.

Paul Trebide, Paradise Development Group, explained that it was proposed to homeowners that they fill the backyards and provide a swale to the next closest retention area, provided proper permits were obtained from Central Broward Water District and the Town. He explained that the homeowners had filled the retention areas and building of the wall had caused a drainage problem.

Mr. Mele provided a letter from the homeowner's association supporting the application.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve subject to those additional representations. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

9. PUBLIC COMMENTS (10:12 p.m. - 10:19 p.m.)

Ordinances - First Reading (Public Hearing to be held February 21, 2002)

9.1. SPECIAL COSTS REIMBURSEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR SPECIAL COSTS INCURRED BY THE TOWN IN THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS, CONTAINING PROVISIONS FOR COST RECOVERY ACCOUNTS; PROVIDING FOR IMPLEMENTATION OF THE COST RECOVERY PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9.2. VACATION/ABANDONMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 11-1-01, VACATING ROAD AND UTILITY EASEMENTS WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE ROLLING HILLS GOLF ESTATES PLAT (157-15); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 11-1-01, Miller, Legg & Associates/Space Development, Ltd., 8100 SW 36 Street)

This item was approved earlier in the meeting.

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10. PUBLIC HEARINGS (10:19 p.m. - 12:37 a.m.)

Ordinances - Second and Final Reading

- 2002-2 10.1. **LAND USE PLAN MAP** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(MAP) 01-2A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (southeast corner of University Drive and Stirling Road)

This item was approved earlier in the meeting.

- 2002-3 10.2. **MORATORIUM** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA DECLARING A SIX MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS AND ON THE ISSUANCE OF PERMITS AND APPROVALS FOR THE CONSTRUCTION OF WIRELESS TELECOMMUNICATIONS TOWERS; PROVIDING FOR EXCEPTIONS; SETTING FORTH EXPIRATION AND EFFECTIVE DATES.

This item was approved earlier in the meeting.

- 2002-4 10.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-01, Town of Davie/ChelseaLynn Corp., 12100 State Road 84) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Quasi Judicial Hearings

- 10.4. V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, Ltd., northwest corner of SW 136 Avenue and Financial Boulevard (B-2) (to reduce the minimum separation from 100 feet to 0 feet and to reduce the minimum separation from 200 feet to 184 feet) (tabled from December 19, 2001) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting

- 10.5. V 9-4-01, Ruden, McCloskey, et al/Home Depot USA, 5801 South University Drive (B-2) (to increase the maximum of 150 square feet of wall signage to 559 square feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

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- 10.6. V 11-1-01, Jonaitis, 3152 SW 147 Avenue (R-1) (to increase the size of guest home from 400 square feet to 924 square feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the applicant voluntarily agreeing to a deed restriction to run with the land which would impose a requirement that all guest facilities be removed upon any transfer of title, whether it be a sale or gift, and that the guest facility would only remain in tact as long as Mr. Jonaitis' mother or sister-in-law were alive and residing there*

This item was denied earlier in the meeting.

11. APPOINTMENTS (12:37 a.m. - 12:43 a.m.)

- 11.1. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Paul; term expires July 2002)

This item was deferred earlier in the meeting.

- 11.2. Youth Advisory Committee (one exclusive appointment - Mayor Venis, Vice-Mayor Paul, and Councilmember Clark)

This item was deferred earlier in the meeting.

- 11.3. Youth Advisory Committee (one exclusive appointment - Mayor Venis, Vice-Mayor Paul, and Councilmember Clark)

Appointments were made earlier in the meeting

- 11.4. Davie Water and Environmental Advisory Board (two exclusive appointments - Councilmember Truex; one exclusive appointment - Councilmember Clark and Mayor Venis) (terms expire December 2003)

Appointments were made earlier in the meeting

- 11.5. Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments with one being for a one year term and one being for a two year term - Councilmembers Truex and Starkey; terms expire December 2002 and 2003 respectively) (one exclusive appointment for a one year term - Mayor Venis; term expires December 2002)

Appointments were made earlier in the meeting

- 11.6. Davie Agricultural Advisory Board (members, insofar as possible, shall have experience in agricultural matters, related occupations or other similar skills) (one exclusive appointment per Councilmember - terms expire February 2003)

Appointments were made earlier in the meeting

- 11.7. Police Pension Board (Don Barfield as elected by the Police Pension Board)

An appointment was made earlier in the meeting

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12. OLD BUSINESS (1:17 a.m. - 2:20 a.m.)

12.1. 71st Terrace Pocket Park - Chris Kovanes

Mr. Willi stated that two appraisals were done on this property, one for \$720,000 and one for \$680,000. He explained the discrepancy in the appraisals and stated that the concern had been resolved.

Mr. Kiar explained that the commitment from the seller had been extended. Mr. Laystrom, representing the seller, stated that the extension was for 15 days and they would increase it to 60 days. Mr. Willi advised that the seller had wanted approximately \$1 million for the property, which exceeded the appraisal. He asked for Council to permit staff to renegotiate the price with the seller.

Council directed Mr. Willi to further negotiate the selling price.

Norm Blanco entered a petition signed by the members of the Association of Nova Drive, which urged the Town to purchase the property.

12.2. Petitioner's Conceptual Plan - SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from January 16, 2002)

Mr. Kutney explained the purpose of the presentation. As per Council's request, he advised that a comparison of both plans and the amount of waivers had been completed.

Victor Dover, representing the Town, presented Council with three different renderings and explained the concerns staff had with how far off the street the building was, and what would be in the space between the building and the road. He explained the concerns that still existed and entered Exhibit A into the record, which depicted various Walgreens sites. Mr. Dover felt that Walgreens did not see this site as an urban site, but rather one that was on a highway. He felt they were capable of building a store that aligned with Town criteria and urged Council to agree.

Mr. Laystrom, representing the petitioner, refuted the suggestions made by Mr. Dover's handout and argued that his client had been flexible in an attempt to resolve this issue. He felt that the issue was the 12 feet along one side of the building. Mr. Laystrom stated that it was necessary to have ample parking because most patrons would drive to the site and spoke of his client's willingness to do whatever was necessary to get Council's approval.

Andrew Hupp, representing Walgreens, submitted Exhibit B which refuted certain points of staff's report. He stated that staff had submitted 16 waivers.

James Clodfelter, the property owner, stated his objections to Mr. Dover's representations. He stated that he and the petitioner's had compromised and wanted this issue to be finalized. Mr. Clodfelter stated that the building would be built as staff recommended, but if the additional parking was not included, the project would be abandoned.

Mr. Kutney clarified various misconceptions and misstatements made by the petitioner and Mr. Clodfelter. Mr. Kutney stated that staff had made an earnest attempt to resolve this issue.

Joe Kosner, 4451 SW 77 Avenue, felt Walgreens needed to comply with Code.

Councilmember Truex asked Mr. Dover if he could answer to the waiver issue. Mr. Dover stated that waivers were added to help address the needs of the petitioner.

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Councilmember Clark commended both sides for their efforts; however, if it was just a matter of five feet, she questioned why Walgreens could not compromise and build without the additional space.

Councilmember Truex stated that he was not in favor of the petitioner's proposal.

Councilmember Starkey commended both sides for their efforts, but felt it was important for the Town to hold the line on this issue and in this area. Vice-Mayor Paul added that many developers were watching this issue to see if the Town would stick to Code.

Councilmember Truex made a motion, seconded by Councilmember Clark, to disapprove the Walgreens final plan. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

12.3. Advisory Board Ordinance

This item was deferred to February 21, 2002.

12.4. Town Administrator's Goals

Vice-Mayor Paul explained that this was a request to adopt these detailed goals. Vice-Mayor Paul stated that under Increase Town Employee Diversity it stated "minority and women" rather than minority only.

Councilmember Clark made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

13. NEW BUSINESS

13.1. Florida World War II Memorial Committee

This item was deferred.

13.2. Young at Art

This item was discussed earlier in the meeting.

13.3. Reschedule February 20, 2002 Council meeting to February 21, 2002

This item was approved earlier in the meeting.

13.4. Reschedule March 20, 2002 Council meeting to March 19, 2002

This item was approved earlier in the meeting.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 2:22 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk

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